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PENDING IMMIGRATION BILLS.

BY ROBERT DE C. WARD.

THE Fifty-ninth Congress has received very general and well-deserved commendation for much excellent legislation enacted by it during its first session, but one of the most important measures of all—the immigration bill—went over, in Conference, to the Short Session. The popular demand for a further regulation of alien immigration found expression in the introduction last winter, into both Senate and House, of an unusually large number of carefully drawn and well-considered immigration bills. These bills, in the usual course of procedure, were referred to the two Committees on Immigration and Naturalization, both of which Committees are composed of an exceptionally competent and representative body of men, including several members who have made a thorough and impartial study of the whole immigration question, and are abundantly qualified to deal with this legislation as experts.

In view of the present state of our knowledge of the immigration question, the Committees felt, as the public generally feels, that the subject has already been thoroughly studied, carefully considered, and exhaustively argued, and that there was no need of delay in perfecting new legislation. The demand for more time; for further hearings; for investigating commissions, and the like, comes from those who are selfishly interested in having conditions continue as at present, and who are even hostile to any immigration regulation whatsoever. To say, as some of these persons have said, that “great harm, injustice and inhumanity” would be done by the bill which passed the Senate last May is preposterous, as is the claim that any measure which has received so large and so general an endorsement is a piece of “class legislation.” It is a very striking fact,

and one which should help to settle the minds of those who are honestly in doubt regarding their position on this question, that the bill which came before the House after its passage by the Senate last May embodied practically every one of the new provisions included in the bill already reported to the House by its own Committee on Immigration. This shows that, after careful consideration, the Senate as a whole, and the body of immigration experts on the House committee, had reached practically the same conclusion as to needed legislation.

As the Senate acted first, the Senate bill will be first considered. This bill, S. 4,403, generally known as the Dillingham Bill because it was drawn up and ably supported by the efficient chairman of the Senate Committee on Immigration, Senator W. P. Dillingham, of Vermont, passed the Senate, without division, on May 23rd, 1906. Senator Dillingham said in the Senate on May 22nd that this measure, if enacted into law, "will go a long way in the direction of making perfect the already excellent immigration act of 1903."

Section 1 increases the head-money to be paid on alien passengers, except citizens of the United States, Canada, Newfoundland, Mexico and Cuba, from two dollars to five dollars.

This money is paid by the steamship companies, and is simply added to the price of the passage-ticket. The immigrant himself knows nothing of the payment, and it therefore makes no additional "red tape" for him. The head-money is paid into the United States Treasury, forming what is known as the "immigrant fund," and is spent in maintaining the immigration service. An increased head-tax means a larger "immigrant fund," and that means more effective administration of existing laws and better care and protection of the immigrants. Larger and more adequate buildings at existing immigrant stations are very much needed, and new stations, with complete equipment, must be built at New Orleans, Charleston and other ports where immigrants are just beginning to be landed. Furthermore, a larger inspection force is imperatively demanded in order that our immigration officials shall not be obliged, as they now are, to be on duty daily—including Sundays and holidays. The comfort, health and efficiency of these men demand such an increase in the force. It is objected to an increased head-tax that the honesty and character of an immigrant do not depend upon his ability to pay a cer-

tain sum of money, and that undesirable persons, criminals, for example, might easily pay the tax. In answer to this objection it need only be pointed out that the higher head-tax is not to be substituted for the other restrictive clauses of existing law; it is to be added to them. Criminals, anarchists, convicts, beggars, paupers, would be excluded, if detected, even if they could pay the larger head-tax. The United States should not be chosen by an immigrant, as it often has been, because it is the cheapest country to go to. It should be selected because it is *the best*, and the best is worth paying for. Higher head-money becomes more necessary as the increasing facilities of land and water transportation make it easier and cheaper to come here. Furthermore, it has been objected to increased head-money that such an increase would debar the worthy and intelligent alien from northern Europe, with a large family, who comes here to settle, while admitting the single alien, who may be far less desirable, from southern Europe or western Asia. The answer to this objection is that, in the pioneer stage of emigration from any country, it is likely that most of those who leave will be men without their families, as is now the case with some of the nations which are beginning to send us large numbers of immigrants from southern and eastern Europe. Later, family immigration increases. This argument is of temporary value only, and has no weight in the general discussion. The argument that it is unfair to an alien who may be debarred from landing to make him lose the additional \$3 which a head-tax of \$5 would add to his passage rate, is met by the fact that our immigration laws are, or should be, well known abroad. Aliens who are likely to be debarred are probably aware of the possibility of that occurrence in the large majority of cases. They, and the steamship company which brings them over, take the risk of securing a landing, and it cannot be considered an unfair action on the part of the United States to raise the passage rate \$3 when the alien himself is undesirable and is debarred by law.

Section 2 adds to the excluded classes:

I. Imbeciles, feeble-minded persons, and epileptics. The Act of March 3rd, 1903, excludes "idiots." Experience has shown that there are a good many immigrants who are certified by our medical inspectors as being "mentally deficient" or "feeble-

mined," and who should certainly be debarred by law. Our best interests demand that no distinction should be made between the idiotic and the feeble-minded or imbecile. The latter are as undesirable additions to our population as the former, and it is as dangerous to add to the American race the children of feeble-minded parents as of idiotic parents. A strong recommendation in favor of this amendment was adopted by the National Immigration Conference at New York last December. Obviously, this provision would affect only a very few aliens, and those of a highly undesirable class.

II. "Persons not comprehended within any of the foregoing excluded classes, who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living." This is one of the more important of the new provisions. In recent years there has come so marked a deterioration in the general physique of the immigrants that it is high time that all aliens of poor physique should be debarred from our shores. When we raise horses, or cattle, or dogs, or sheep, we are careful to select good, strong, healthy stock. If we have any concern for the physical development of our race, we should certainly be no less careful in the selection of our human stock. At the present time, our medical inspectors record thousands of aliens as being of such poor physique that their ability to earn a living is thereby interfered with, yet nearly all of these are admitted because there is no specific clause in our existing immigration law under which they can clearly and surely be excluded.

Our best insurance against race decadence is to be sought in the selection of good stock. We want none but honest, industrious, healthy and fit immigrants. We want them sound in body and sound in mind. We have by law debarred those of unsound mind. Our next step should be to debar those of poor physique. The clause of the Senate bill in the matter of physically unfit and degenerate aliens was carefully drawn, after consultation with the most competent immigration officials. It has commended itself to every one who, having looked at the matter impartially, has publicly expressed an opinion upon it.

No rational or valid argument can be advanced against the exclusion of aliens whose presence here lowers our physical stand-

ards, results in a deterioration of the American race, and adds to the number of our defective and dependent classes. The physical condition of our immigrants is of even more importance than their assimilation. A physical test was urged by the President in his last message, and was recommended by the Immigration Conference. Its adoption has also been strongly urged by the Commissioner-General of Immigration and by the present and former Commissioners of Immigration at New York. A physical test is uniform for all races of incoming aliens. It is not intended and cannot be used to exclude those of any special race. To say, as did a very misleading circular issued during the last Session of Congress, that "any malevolent or narrow-minded medical inspector . . . might be tempted to abuse his power," and exclude large numbers of aliens of some one nationality, is to impute dishonest, unpatriotic and wholly unworthy motives to the able officers of the United States Public Health and Marine-Hospital Service. Our medical inspectors may be trusted in this matter, as we already trust them in the detection and certification of "loathsome or dangerous contagious diseases." They are intelligent, able and honorable men. They will give certificates of "poor physique" only when thoroughly satisfied that all the conditions warrant them in so doing.

III. All children under seventeen years of age, unaccompanied by their parents, unless coming to join parents already in this country who are able to support them, or unless, in the case of death of both parents, they are coming to join brothers or sisters, or uncles or aunts, already in the United States who are willing and able to support them, and will furnish proper security therefor. The object of this clause, the adoption of which has been urged by officials of the Immigration Service, is to put a stop to the importation of alien boys brought here to work under the padrone system.

IV. Those whose passage is paid for, or who are assisted by others to come, unless they prove they do not come within the other excluded classes.

"But this section shall not be held to prevent citizens of the United States, or persons living in the United States who have declared their intention to become citizens of the United States, or women who have acquired a domicile in the United States, from sending for parents, wife,

husband, children, grandchildren, brothers, or sisters, or children of deceased brothers and sisters, who are not of the foregoing excluded classes."

For many years Congressional committees have paid attention to what is known as "assisted" immigration, that is, the prepayment of an alien's passage by a relative, or friend, or employer, on this side of the water, or by charitable societies, or local government authorities on the other side. There has always been much evil in assisted immigration. Aliens come here on tickets which are prepaid by distant relatives and friends in the United States who very often fail to support or to care for the newcomers after they have arrived. Employers, likewise, directly or indirectly, encourage the prepayment of passage in order that they may secure cheaper labor. There is no objection to assisted immigration when a husband sends for a wife, a brother for a sister, or a son for a parent. There is little danger that immigrants assisted to come in this way will become burdens upon the community. But the more distant the relationship, the less claim the new arrival has upon the person already here, and the less desirable on the whole is the assisted alien. Congress some years ago very properly recognized the danger in assisted immigration when it debarred from landing "any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come." But, in order to make it possible for the members of a family to send for one another, the following words were added: "But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the . . . excluded classes." The motive of Congress was excellent, but the phrasing of the law is too loose to meet present conditions. At present, about fifty per cent. of our total immigration is assisted, and, for an assisted immigrant, any one is a "friend," and any one up to a fifth or sixth cousin several times removed is a "relative." The time has come, with our present enormous immigration, to restrict to the immediate family the privilege of assisting other aliens. As a rule, it is safe to say that the less desirable immigrants are those who cannot pay their own passage. The clause in Section 2 of the Dillingham Bill is extremely liberal in making many exceptions in favor of members of a family. It is certain that this amendment would do much to diminish the number of those

who become public charges. It has heartily commended itself to our charitable societies all over the country.

The Law of March 3rd, 1903, provides:

"It shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any aliens afflicted with a loathsome or with a dangerous contagious disease."

For so doing, a fine of \$100 is imposed for each alien so brought. All being agreed as to the necessity of excluding aliens suffering with loathsome and dangerous contagious diseases, we must also agree that the law of March 3rd, 1903, is right in fining a steamship company \$100 for bringing over an alien afflicted with such a disease when "the existence of such disease might have been detected by means of a competent medical examination" at the time of embarkation. To make the steamship companies exercise suitable care in such matters is fair, not only to the diseased alien himself, who would otherwise have to be sent back, but also to the other passengers on the ship, who would be exposed to the risk of contracting the disease during the voyage. One of the distressing results of our present system is the large number of aliens who are denied admission after they have made the journey across the ocean. Commissioner - General Sargent has well said: "It is right that they should be denied admission; wrong that they ever should have started from home." The Immigration Conference at New York recommended that a fine of \$100 be imposed on the steamship companies for each immigrant whom our inspectors reject *for any cause* under existing law.

The Senate Bill imposes a \$100 fine in the cases of idiots, imbeciles, feeble-minded persons, insane persons and epileptics, provided their condition might have been ascertained by a competent medical examination at the ports of embarkation. The fine for aliens with loathsome and dangerous contagious diseases remains as at present.

As general medical inspection by American officials at foreign ports is not feasible, owing to the objection of certain foreign Governments, the only thing for us to do is obviously to force the steamship companies to make an examination themselves, and to fine them for bringing aliens whom we exclude, in all cases in

which an examination on embarkation may reasonably be expected to bring to light a cause of exclusion which we have named in our law.

Section 20 extends the time within which those becoming public charges may be deported to three years (it is now two years), a change which has received strong support from our boards of organized charities all over the country.

Section 26 gives authority to the Commissioner-General of Immigration to establish a division of information, whose duty shall be "to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration." These "intelligence offices" may be established at any of the immigrant stations of the United States. Agents of the several States or Territories can present, to admitted aliens, the special inducements offered by their States or Territories to aliens, and displays of the resources and products of the different sections of the country may also be made at the same time. An appropriation of \$20,000 is made for carrying out the provisions of this section.

This section is the result of a very general agitation for a more wide-spread distribution of the arriving aliens, and is the first official step in a movement which deserves support and encouragement. The demand for a better distribution of our immigrants from the congested city slums of the North and East has, however, been pushed far beyond the bounds of common sense. It is claimed by many persons that distribution is the real solution of the whole immigration problem, and that distribution, not further regulation, is what we should endeavor to bring about. It cannot be too often pointed out, in answer to this argument, that, as President Roosevelt well said in his last message, distribution is a palliative, not a cure. It can never solve the immigration problem.

To attempt to relieve our city slums by dispersing their inhabitants, without at the same time further restricting the number of newer aliens who will pour in, is very much like trying to keep a boat bailed out without stopping the leak. A recent writer has well said that distribution from our city slums is an aggravation of the immigration problem, "in that it tends to diminish the crowding in the slums in which our least desirable immigrants congregate, and thereby tends to make

of those slums a sort of suction-pump by which the worst class of immigration is drawn to this country, given a course in the slums of our great cities, and then sent out to spread the slum in other parts of the country."

A canvass of the different States, made within a few months, brought forth from the officials to whom the inquiries were sent a vigorous protest against the wholesale shipment of aliens from the city slums into their States. Several of the Southern States have emphatically stated what nationalities of immigrants they want, and their preferences are for people from the northern United States and for northern Europeans. A leading newspaper of the South has said that no such immigrants as have crowded the East Side of New York and the factories of New England are wanted in the South.

Congressman A. P. Gardner, of Massachusetts, was right when he said, regarding enforced distribution to remedy the shortage of labor-supply in some sections:

"Population in the United States has always distributed itself, and will continue to do so, wherever it is best paid and wherever employment is steadiest."

In other words, distribution is governed by natural laws. A recent effort on the part of an Immigrant Protective Society in New York to send out through the South large numbers of aliens from the slums of New York met with the following rebuke at the hands of the "Manufacturers' Record" of Baltimore, one of the leading trade journals of the South:

"The circular of the Society seems to be upon a basis of 'organized philanthropy.' We have come to view with extreme caution 'organized philanthropic' efforts in behalf of the South, originating in New York or elsewhere, however businesslike their aspect. For such efforts, no matter how kindly disposed and well-conceived they may be, or how lofty and altruistic their purpose, might in the very nature of things not result to the South's advantage."

Section 29 excludes:

"All persons over sixteen years of age and physically capable of reading, who cannot read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under eighteen years of age, and his parents or grandparents over fifty years of age, if they are otherwise admissible, whether they are so able to read or not."

No plan for further selecting immigration has had more general support than the illiteracy test. Commissioner-General Sargent has said:

"This requirement, whatever arguments or illustrations may be used to establish the contrary position, will furnish alien residents of a character less likely to become burdens on public or private charity. Otherwise, it must follow that rudimentary education is a handicap in the struggle for existence."

And Dr. Albert Shaw has put the case clearly when he says:

"While ability to read and write one's own language is by no means conclusive as to the desirability of a particular immigrant, it may certainly be regarded as a mark of superiority when taken in the average."

It is objected that such a test would not keep out anarchists and criminals, but as President Roosevelt has pointed out, it would "tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment inevitably springs." Moreover, this test is not to replace existing grounds for exclusion; it is an addition to them. A criminal, an anarchist, a polygamist, would be debarred under the present law, even if he could pass the illiteracy test. No one has ever claimed that the ability to read is a test of moral character, but such a test would certainly lessen the burden upon our schools and upon our charitable institutions. Every nation should care for its own illiterates, as it should care for its own insane and its own paupers. It is time for us to stop shouldering the burden of European and Asiatic illiteracy. Nothing that the United States can do for universal common-school education would be so effective as the adoption of an illiteracy test for immigrants. Thus a recent writer who is well informed regarding the condition of Italian immigration says:

"An educational test for immigrants might be an effective means of applying a stimulus to popular education in Italy, and might really assist the Government materially in its efforts to get children to the common schools."

And our consul at Venice has reported that, when it seemed probable a few years ago that illiterates would be debarred from the United States, night schools were opened in Italy for the benefit of intending immigrants, but when the prospect of such legislation vanished, the schools were closed. The United States Industrial Commission said:

"If compulsory education is desirable as a preparation for American citizenship and as a protection to the citizens themselves, it is equally desirable for immigrants who are prospective citizens and for American children who are prospective citizens."

Our immigration laws should have for a leading object the protection of American citizenship. It is absurdly inconsistent for us to spend vast sums of money in the education of American children, and then open our gates freely to thousands of aliens who have not been required to obtain similar education.

There is no danger that the exclusion of illiterates would cause a scarcity of labor in this country. If there is a demand for laborers, the supply will be forthcoming from Europe. If the steamship companies cannot bring illiterates, they will fill their steerages with aliens who can read. And with the stimulus thus put upon education, the illiteracy in many of the countries of Europe would soon show a notable decline. There is plenty of labor now in our cities which would be better off in the country, where there is great need of farm "help." But the cities attract, and the farmer waits for his help. So it would be under the illiteracy test.

The illiteracy test has passed the House four times and the Senate three times in recent years. It has been recommended by Presidents McKinley and Roosevelt and by the Commissioner-General of Immigration, and thousands of petitions in its favor have been sent to Congress.

The Dillingham Bill, as passed by the Senate, embodies a series of amendments to existing immigration laws which have received the endorsement of the most competent, the most unprejudiced and the most trustworthy authorities on immigration in the country. Immigration officials; medical inspectors of the Immigration Service; boards of charity and of insanity; labor organizations; boards of trade; State legislatures; immigration conferences; and thousands of societies and organizations of various kinds have endorsed some or all of its provisions, and previous Congresses also have passed some of the most important amendments which it contains.

Congressman Gardner, of Massachusetts, on behalf of the House Immigration Committee, reported a bill (H. R. 17,941) on April 9th, 1906, prepared after a careful study of a large number of immigration bills introduced into the House during

the Session. After the Dillingham Bill had passed the Senate, and had been referred to the House Committee, the latter reported, as an amendment to S. 4,403, House bill 18,673, which was H. R. 17,941 with a few changes. The Gardner Bill, as it is generally called, raised the duty on alien passengers from \$2 to \$5; excluded (a) imbeciles and feeble-minded persons; (b) persons of such poor physique as to incapacitate them for work, if dependent for their support upon their own physical exertions; (c) assisted immigrants whose passage was paid by any corporation, association, society, municipality or foreign government; (d) unaccompanied children under sixteen; and (e) illiterates, and extended the period of deportation for public charges to three years. The bill also made provision for the establishment of a bureau of information at each immigrant station. The Gardner Bill is weaker than the Senate Bill in the provision for excluding persons of poor physique, which reads as follows in the former:

“Persons who are dependent for their support upon their own physical exertions, and who are certified by the examining medical officer to be of a low vitality or poor physique such as would incapacitate them for such work.”

By the wording, “who are dependent for their support upon their own physical exertions,” the whole clause is made of little or no value. The large majority of aliens certified as physically unfit would find friends or relatives who would promise the immigration officers to help these physically defective immigrants to some extent, so that the latter would not be wholly “dependent for their support upon their own physical exertions.” In other words, there would then be the same difficulty as exists at present in the case of aliens deemed liable to become public charges. Friends and relatives, the latter often very distant, assure the officials that these aliens will be taken care of, and will not become a public charge; the aliens are admitted—and the friends and relatives forget their promises. The only way to secure the exclusion of this most undesirable class of physically unfit, defective and degenerate aliens is to give the medical officer the whole authority in the matter, just as is now rightly done in the case of an alien suffering with a loathsome or dangerous contagious disease, or who is insane, or an idiot.

The House bill omits one important addition to the excluded classes which is made by the Senate bill, viz., assisted immigrants outside of the immediate members of a family. The bill also makes some changes in the administrative features of existing laws.

The House did not reach the consideration of the immigration bill until June 25th, in the last week of the Session. During these last few hours, as is well known, in the haste and confusion just before adjournment, when many members have already left Washington, it frequently happens that bills are amended, and then passed, without any adequate discussion or understanding of the changes which are actually being made. This was true of the immigration bill on June 25th last. By unprecedented tactics on the part of the Speaker and of a few of his lieutenants, and without question against the sober judgment of the majority of the House of Representatives, the immigration bill as passed after very hurried consideration was shorn of (1) the increased head-money, and of (2) the illiteracy test. Two additions were made to the bill. One amendment provides for a commission consisting of two Senators, three members of the House, and two private citizens, to make "full inquiry, examination and investigation of the subject of immigration." There can obviously be no harm in the appointment of such a commission, nor, on the other hand, will anything be gained by such an inquiry, in view of the very considerable knowledge of the whole subject which all persons who choose to study immigration may obtain from publications which are already available. Another amendment, offered by Mr. Littauer, of New York, was as follows:

"That an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds, for an offence of a political character, or prosecution involving danger of imprisonment or danger to life and limb on account of religious belief, shall not be deported because of want of means or the probability of his being unable to earn a livelihood."

The intention of this clause is obvious and praiseworthy, but if enacted into law it would effectively break down the existing barriers against undesirable aliens which Congress has wisely set up. One of the most undesirable classes of aliens is clearly that of persons who are liable to become public charges. But to adopt the Littauer amendment would make it diffi-

cult or even impossible to exclude any alien on the ground of liability to become a public charge. For a very large majority of our immigrants would attempt to show, in some way or other, that they had come here "to avoid prosecution or punishment on religious or political grounds." Political, religious and economic reasons are among the most potent factors in inducing immigration to this country, and impending punishment for religious or political causes would be urged by many aliens as the reason for their coming, without the possibility of contradiction by our immigration officials. This amendment would practically nullify one of the most important clauses in existing law, and one which has universally commended itself. It is no wonder that, as Congressman Gardner said in the House on June 25th, "the Immigration Bureau seriously objects" to this clause. It is no wonder that Gen. Grosvenor opposed the amendment, saying that he feared that "very grave complications will grow up under this hasty style of legislation."

The situation in the Conference Committee is, then, the following: The Senate, acting deliberately, after unlimited debate, passed an immigration bill, without division, which embodies the results of years of the most careful study on the part of recognized experts. Every one of its provisions has had strong endorsement at the hands of competent, unprejudiced, and thoroughly trustworthy officials, as well as of the public generally. The Dillingham Bill is an adequate, well - considered, rational measure, which amends existing laws to meet present and future conditions in a thoroughly sane and satisfactory way. The House, under extraordinary pressure, after a very limited debate, in confusion and haste, with conflicting votes, completely emasculated the bill of its own Committee. More than that, at the end of the debate, without any adequate thought or discussion, an amendment was adopted which would tremendously weaken the present laws. In other words, the House took a step backward along the line of breaking down legislation which has been well built up in past years.

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